

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Cheri B. Dietrich,

Civ. No. 15-1875 (PJS/BRT)

Plaintiff,

v.

ORDER

National Railroad Adjustment Board
of the National Mediation Board,

Defendant.

Cheri B. Dietrich, 15 E. Gilfillan Rd., North Oaks, MN 55127, *pro se* Plaintiff.

Chad A. Blumenfield, Esq., United States Attorney's Office, counsel for Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Becky R. Thorson dated September 8, 2015. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. The National Railroad Adjustment Board's motion to dismiss or, in the alternative, for summary judgment (Doc. No. 10) is **GRANTED**;

2. Cheri B. Dietrich's complaint (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE**; and

3. Dietrich shall have fourteen days to file an amended complaint naming Soo Line Railroad Company as the sole defendant.¹

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: 9/28/15

s/Patrick J. Schiltz

PATRICK J. SCHILTZ
United States District Judge

¹ Without waiting for the Court to rule on the Report and Recommendation, including its recommendation that she be granted an opportunity to file an amended complaint, Dietrich prematurely filed an amended complaint naming Soo Line Railroad as the sole defendant. (*See* Doc. No. 23, Pl.'s Am. Compl.) Because the Court has agreed with the Magistrate Judge's recommendation, it will accept Dietrich's amended complaint and, consequently, she need not file a further amendment.